

OGC HAS REVIEWED.

2 August 1954

MEMORANDUM

TO: Chief, Administration and Logistics

FROM: Legal Advisor

SUBJECT: Rights and Liabilities with Reference to Passengers on our Aircraft.

1. Replying to your inquiry with regard to the above matter, your first question is one of our authorization to transport non-duty personnel on Agency aircraft. It is our opinion that we do not enjoy the favored position of the Air Force in this regard.

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2. We have attached a sample of the release ordinarily required by the Air Force before clearing the take-off of any aircraft leaving their fields with passengers aboard. Under the terms of this release, the passenger flying in a non-duty status would waive any claim for injury or death arising from the flight. In addition, most private life insurance policies are voided by travel in non-commercial, or at least non-scheduled, aircraft.

3. You have also inquired with regard to the status of escort civilians on black flights. It is our opinion that even though the attached form of release is required by the airport at take-off, the individual is nevertheless entitled to the benefits provided by the Federal Employees Compensation Act as long as he is traveling under valid Agency orders. Any injury or death resulting to the employee from the flight is injury or death in the course of duties on behalf of the U.S. Government and therefore compensable.

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The amount is generally considered to be adequate. For example, the death of a GS-11 with a wife and two children from injuries incurred in line of duty would result in the payment of \$4158.00 per year, subject to the death or marriage of his dependents or the children becoming 18 years of age.

The release would first of all never be raised by this Agency in presenting the claim to the Bureau of Employees' Compensation and would, in addition, be voided by the false assumption that the employee was traveling on Air Force aircraft and at his own initiative and risk. It is to be noted, however, that although the employees dependents would become eligible for government employees compensation in the event of the death of the employee as a result of the flight, the employee's private insurance policies would probably be voided. As mentioned above, the benefits of these policies are usually extended to only regular, scheduled commercial flights.

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Atts.

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